



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 2925-99

11 July 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 29 January 1965 at age 17. The record reflects that you received four nonjudicial punishments. The offenses included stealing a motorcycle, absence from your appointed place of duty, drunk on duty, disorderly conduct on board ship, drunk and disorderly conduct on board ship, and drunk and incapacitated for duty. Subsequently, on 18 December 1967 you were separated under honorable conditions and transferred to the Naval Reserve. On 1 February 1971 you received a general discharge from the Naval Reserve.

Character of service is based, in part, on one's conduct and overall traits averages, both of which are computed from marks assigned during periodic evaluations. Your conduct and overall trait averages were 2.8 and 3.12, respectively. A minimum conduct mark of 3.0 was required for a fully honorable characterization of service at the time of separation.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth and immaturity and the contention that you were told that the discharge would be upgraded after two years. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your four nonjudicial punishments as well as the fact that your conduct average was insufficiently high to warrant a fully honorable discharge. In this regard, no law or military regulation provides for upgrading a discharge based solely on the passage of time. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director